



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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December 3, 2012

Mr. Jim Ozment
Interim Director
Environmental Division
Tennessee Department of Transportation
505 Deaderick Street, Suite 900
Nashville, TN 37243

SUBJECT: SR-71 James White Parkway Knox County Tennessee, CEQ 20126328, ERP-E40845-TN

Dear Sir:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced Draft Environmental Impact Statement (DEIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2) (C) of the National Environmental Policy Act (NEPA). The Federal Highway Administration (FHWA) and Tennessee Department of Transportation (TDOT) propose to improve State Route (SR) Sr-441 by constructing a new roadway, as an extension of the James White Parkway SR-71 from Chapman Highway to Moody Avenue Knox County Tennessee. We appreciate your continuing coordination with us. The purpose of this letter is to provide you with the results of the EPA review.

In order to alleviate existing safety problems and traffic congestion, the intent of this project is to bypass the developed areas of Chapman Highway and to provide greater access for the fast growing areas of Sevier and southern Knox Counties.

There are Four (4) alternatives proposed for this project. The alternatives to be considered are titled; Green, Blue, Red along with a No-Build alternative. The Green alternative, which extends 4.7 miles in a northwestern direction, and terminates at the existing interchange of James White Parkway and Moody Avenue, has fewer environmental impacts when compared when compared to other alignments. This alternative includes the construction of a grade-separate interchange, at the southern terminus, includes improvements to the Sevier and Chapman Highway interchanges, and additional turn lanes on the connector roads. The Blue alternative was developed using the GIS based Quantm system. The alignment for this alternative begins near the existing intersection of Governor John Sevier Highways and continues in a northwesterly direction for 0.06 miles, then continues on 4.34 mile paralleling Chapman Highway eventually terminating at the interchange of James White Parkway and Moody Avenue. The Blue alternative has an overall length of 5.0 miles. The Red alternative was also developed using the GIS based Quantm systems. This alternative begins near the existing intersection of Governor John Sevier Highway and Chapman highways extends 0.87miles northeast along the existing Governor Hon Sevier Highway and continues 4.29 miles northwesterly paralleling

Chapman Highway and terminates at the existing interchange of James White Parkway and Moody Avenue for a total of 5.2 miles. The EIS states that all alternatives provide similar benefits and were carried forward to the DEIS because they meet the purpose and need of the project. Selection of the No-build alternative would not result in the parkway extension being built nor would it include improvement or additional roadway alignments.

In an effort to improve communication and to adhere to the TESA agreement, EPA provides comments on TDOT projects to address environmental concerns that EPA may have with these projects. EPA does have concerns with this project. Based on our review of the DEIS, EPA's environmental concerns are associated with impacts as follows:

- Safety as addressed in the Purpose and Needs
- Water Resources
- Social Issues relating to Environmental Justice (EJ)

EPA first addressed concerns with the purpose and need in concurrence point 2. The safety issues for Chapman Highway will still exist after the construction of the James White Parkway. Therefore, EPA recommends that the FEIS discuss how these issues will be addressed in the future.

The alternatives for this project parallel each other, therefore the impacts to water resources is relatively the same as those associated with the Green alternative. There are 303d-listed streams that have the potential to be impacted by surface water run-off. There will be channelization of streams that have potential for long-term adverse to aquatic systems.

EJ issues associated with the affected areas should include a factsheet clearly defining all potential adverse impacts associated with each alternative for all communities. A map should be constructed using *NEPAassist* software that displays how EJ communities may be potentially impacted by the alternatives. The map(s) should also include a discussion in reference to how the proposed alignments may be designed to avoid impacts to associated EJ communities.

Thank you for the opportunity to comment on this DEIS. We look forward to reviewing the Final EIS (FEIS). We appreciate your continued coordination as this project progresses. Enclosed are more specific comments related to these issues. For the reasons stated above and in the enclosed document, EPA is rating this project Environmental Concerns 2 (EC-2). We are available to meet with you to discuss how these concerns can best be addressed. Please contact Larry Long at (404) 562-9460 if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mueller', with a stylized flourish extending from the end.

Heinz J. Mueller, Chief
NEPA Program Office

DEIS Comments
Environmental Protection Agency comments for:
SR-71 from Chapman Highway to Moody Avenue
Knox County, Tennessee

EPA appreciates the efforts that went into the formatting of this DEIS. For the most part the format lends to a better understanding of the issues addressed in the report. Overall the report is well written and, is written with in a reasonable depth to explain the position of the lead agency for the construction of this project. EPA does not agree with some statements within this report and has concerns associated with the environmental impacts associated with these statements. EPA's concerns are addressed in the comments below are as follows:

Labeling of Reports

Concurrence point 3 reports is not labeled preliminary, in fact it is titled the same as the Draft report. The proper titling is of reports is problematic when filing of report document for the administrative record. The administrative record should present a clear procedural thought process demonstrating how the lead agency came to their conclusion and how the reviewing agencies responded. By not clearly labeling the reports the reader may come to a different conclusion and the administrative record is not consistent. Each report needs to be clearly titled as to where in the decision process the report is presented.

Executive Summary,

Page, ES-1 ES.3, Purpose of the Project. This section states that "The overall goal is to provide...while minimizing adverse human and environmental impact to the extent practical by implementing impact avoidance, minimization, and/or mitigation." By placing the and/or in this sentence suggest that the report will address one or more of the subjects' avoidance, minimization and mitigation. There should also be a very strong statement for each of the suggested alternatives to the extent that it explains in depth what avoidance and minimizations measure will be taken. This statement indicates that there will be discussion(s) in reference to avoidance, minimization associated with each of the proposed alternatives, yet there are no sections in the report titled avoidance, or minimization. Ideally the issues of avoidance and minimization should be addressed in the Affected Environment section of the report for each alternative.

Page 20 Section 1.4.4 Traffic Safety

This section discusses the safety needs of Chapman Highway and that the construction of the James White Parkway **may** reduce crash rates on Chapman Highway. In concurrence point 3 EPA stated "This section seems to be relying on safety as the need for this project. Safety has been incorporated into the P&N statements based on the assumption that simply by creating another roadway, that the safety issues are resolved because the new roadway will be safer. However, safety issues with the exiting road still exist and have not been addressed as a solution" Section 1.4.4 of the draft report does state that "Improvements to Chapman Highway may reduce crash rates on the existing facility for the near future. However because of the projected high traffic volumes...removal of some of the projected travel is **likely** the only way to

ensure that crash rates do not worsen in the future.” This statement seems to indicate that more analysis is needed to remove the **likeliness** of the statement to provide more engineering certainty. Please see EPA concurrence point 3 comments for more information on this subject. EPA’s is concerned that the scope of this project as stated in the Draft report is too narrow. In EPA concurrence point 3 comments EPA provides two court cases that address the issue of narrowing the P&N such that reasonable alternatives may have been excluded; such as addressing the safety needs of Chapman Highway prior to the construction of the James White Parkway. EPA recommends that the report discuss how the safety issues related to Chapman Highway will be resolved in greater depth.

Water Resource Issues

Loss of aquatic habitat can be avoided and minimized with the use of proper BMPs and by obtaining an individual 404 permit. For this reason EPA recommends that the applicant apply for an individual permit from the Army Corps of Engineers to allow for a more in-depth analysis specific to each water body.

Streams presently listed on the 303d list should be protected from further degradation. EPA recommends that the applicant work with TDEC and the Army Corps of Engineers to ensure protection of state waters.

Water resource mitigation should be reflected in each of the alternatives in greater depth. The report should identify mitigation banks and in-lieu-fee programs that are acceptable to state and federal regulatory agencies. All field surveys of water resources should be provided in the appendix of the report with supporting documentation of the field report(s) conclusions. Jurisdictional determination for wetlands needs to be confirmed by the Army Corps of Engineers. Field reports for the determination of aquatic resources need to reflect the dates, times of the field surveys and include the names and qualification of the individuals conducting the surveys.

EJ issues impacts

The DEIS does reference E.O. 12898 in that “agencies shall provide opportunities for community input into the NEPA process. The Environmental Justice analysis has identified that an EJ community exists along one alignment; however there was no documentation of field interviews with potentially affected communities.

A GIS-based map using the demographic data supplied in the report would be very helpful. The construction of a GIS map has the potential to demonstrate areas not easily visualized from demographic data. EPA recommends the use of the EJview tool in the NEPAassist tool box to create a visually informative map for future projects. EJview is used for mapping of EJ concerns while use of the entire EJassist tool provides a more in-depth analysis of the affected communities. *NEPAassist* is an easy to use web-based mapping and analytical application that draws environmental data dynamically from EPA’s Geographic Information System databases. The application allows users to identify and understand environmental constraint surrounding federal projects and helps agencies review and prepare more effective and efficient

environmental scoping documents, environmental assessment, environmental impacts statements. It also helps to document and organize project-related information. These features contribute to a streamlined review process that potentially identifies important environmental and socioeconomic issues at the earliest stages of project development. In addition to providing a preliminary environmental assessment of a project's potential environmental impacts, the tool has the capacity to help to provide scoping information related to project area demographic, economic and societal information. This tool is not intended to replace ground-truthing. The DEIS did not document community input in the form of interviews with communities in the affected area.